

REMARKS

Claims 1, 2, 4-9, and 11-17 are pending in this application. By this amendment, claims 1, 5, 8, and 15 are amended and claims 3 and 10 are canceled. Claim 1 is amended to recite dependent claim 3 in independent form. Claim 8 is amended to substantially recite dependent claim 10 in independent form. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects, under 35 U.S.C. § 102, claims 1-17 over Wagner et al. (U.S. Patent Pub. No. 2003/0066092). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Applicants assert that Wagner et al. does not disclose or suggest sending a code by the wireless device to the code server, and in response to receiving the code, the code server performs the step of providing the stored control description data to the wireless device, as recited in independent claim 1 and similarly recited in independent claim 8.

Wagner et al. discloses a systems and methods for remotely scheduling tasks that are implemented on a set top box (paragraphs 0002 and 0014). Of note, the Office Action appears to equate the claimed wireless device to the set top box 100 disclosed in Wagner et al. However, Wagner et al. does not disclose sending a code by the set top box to a code server. Such a step would defeat the purpose of Wagner et al., which is to allow a user to schedule a task remotely from the set top box (paragraphs 0012, 0013, 0022, 0035, 0038, 0041, and 0042). Because a user schedules a task remotely from the set top box, the set top box does not send a code to the code server. In fact, Wagner et al. does not disclose sending any communications from the set top box to a code server. This is evidenced by the fact that Wagner et al. teaches the use of one way systems that cannot communicate back with a code server (paragraph 0026). Applicants note that even though Wagner et al. also teaches the possibility of the use of bi-directional transmissions, the fact that the teachings can be implemented on one-way transmission systems negates the possibility of using bi-directional transmission in the manner of the claimed invention.

Thus, Wagner et al. does not disclose or suggest sending a code by the wireless device to the code server, and in response to receiving the code, the code server performs the step of providing the stored control description data to the wireless device, as recited in independent claim 1 and similarly recited in independent claim 8.

Applicants additionally assert that Wagner et al. does not disclose or suggest a wireless device comprising programming instructions that provide a code to a code server wherein the code server contains a copy of the code and provide control description data that defines at least when to start recording desired content from a desired internet server identified by the control description data and that receive stored control description data by the wireless device to facilitate acquisition of internet content, as recited in independent claim 12.

As discussed above, the Office Action appears to equate the set top box to the claimed wireless device. As also discussed above, the teachings of Wagner et al. do not disclose sending any communications from the set top box to a code server, much less the ability to provide the claimed code to a code server.

Applicants also assert that Wagner et al. does not disclose or suggest a server including memory containing programming instructions that store user call back data with associated codes for a given user and initiate a call back to the wireless device in response to control description data associated with the particular code, as recited in independent claim 15.

Wagner et al. has no disclosure of the claimed feature and such is not alleged by the Office Action.

Therefore, Applicants respectfully submit that independent claims 1, 8, 12 and 15 define patentable subject matter. The remaining claims depend from the allowable independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 2, 4-9, and 11-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,

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